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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	AWA Docket No. 05-0015
	)	
CAROLYN D. ATCHISON, an individual;	)	
THOMAS W. ATCHISON, an individual;	)	
ANIMAL HOUSE ZOOLOGICAL PARK,	)	
a partnership or unincorporated association;	)	
and ANIMAL HOUSE ZOOLOGICAL	)	
SOCIETY, INC. an Alabama corporation,	)	
	)	Consent Decision and Order
Respondents.	)	as to Carolyn D. Atchison

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent willfully violated the Act and the regulations and standards issued thereunder (9 C.F.R. § 1.1 et seq.). This decision is entered into pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent Carolyn D. Atchison admits the allegations in the complaint as modified and set forth herein as findings of fact and conclusions of law, waives oral hearing and further procedure, and consents and agrees to the entry of this decision for the purpose of settling this proceeding. The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Carolyn D. Atchison is an individual whose mailing address is 2056 County Road 161, Moulton, Alabama 35650. At all times mentioned in the complaint, said respondent was an exhibitor as that term is defined in the Act and the Regulations, and was a partner in respondent Animal House Zoological Park.

2. From October 13, 2004, through December 12, 2004, respondent failed to have a veterinarian provide adequate veterinary care to a male tiger with a necrotic, ulcerative growth approximately the size of a grapefruit, encircling his tail near the base of the tail, with a three-to-four inch major necrotic center, as well as smaller abrasions and fistulas; and to a male tiger with (1) a half-dollar size abrasion on the right side of its back, (2) a hydroma on its right elbow, (3) a grey growth on its left foreleg, and (4) a grey growth on its left rear lateral foot.

3. From October 13, 2004, through December 1, 2004, respondent failed to have a veterinarian provide adequate veterinary care to a llama with overgrown rear hooves which caused the animal's digits to deviate medially, caused the llama to walk abnormally, and caused the llama to experience discomfort.

4. From August 27, 2004, through December 1, 2004, respondent failed to have a veterinarian provide adequate veterinary care to animals, specifically, to provide vaccinations to, and deworm bears, felids, primates, and a capybara, to test primates for tuberculosis, and to test for, or establish a program to prevent *dirofilaria immitis* in foxes and wolves.

5. From August 27, 2004, through December 1, 2004, respondent failed to employ a full-time attending veterinarian or a part-time attending veterinarian under formal arrangements that include a written program of veterinary care and regularly scheduled visits to the facility.

6. From October 13, 2004, through December 1, 2004, respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate facilities, including adequate enclosures, secure perimeter fences, and facilities to allow animals to be shifted during cleaning and for other purposes.

7. From October 13, 2004, through December 1, 2004, respondent failed to establish and

maintain a program of adequate veterinary care that included the availability of appropriate personnel, including an attending veterinarian, or on-site personnel capable of discerning when an animal is in need of veterinary care.

8. From October 13, 2004, through December 1, 2004, respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate services, including the services of a veterinarian, and specifically, misrepresented to APHIS officials that she had an attending veterinarian, and provided APHIS inspectors with a false document, dated August 26, 2004, representing that she had employed an attending veterinarian.

9. From October 13, 2004, through December 1, 2004, respondent failed to establish and maintain a program of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care, and specifically, (1) failed to retain the services of an attending or any other veterinarian to care for the animals in her custody; (2) failed to keep any medical records of the condition of the animals in her custody; (3) failed to vaccinate animals; (4) failed to deworm animals; (5) failed to test foxes and wolves for *dirofilaria immitis*, or to administer preventive medication to them; (6) and failed to treat animals, specifically a male tiger, for injuries.

10. From October 13, 2004, through December 1, 2004, respondent failed to establish and maintain a program of adequate veterinary care that included daily observation of all animals to assess their health and well-being, and a mechanism of direct and frequent communication to convey timely and accurate information about problems of animal health, behavior and well-being to respondent's attending veterinarian.

11. From August 27, 2004, through December 1, 2004, respondent failed to establish and

maintain a program of adequate veterinary care that included adequate guidance to personnel involved in the care and use of animals regarding handling and euthanasia.

12. On November 30 and December 1, 2004, respondent failed to identify all live dogs and cats under her control or on her premises by any authorized means, and specifically failed to identify a dog and kitten housed in the primate building.

13. On October 13-14, 2004, respondent failed to make, keep, and maintain records that fully and correctly disclose information concerning animals in respondent's possession or under respondent's control, or disposed of by respondent, and specifically failed to identify the species of three animals that respondent transferred; and to record all information required for four primates that respondent sold.

14. On November 30 and December 1, 2004, respondent failed to make, keep, and maintain records that fully and correctly disclose information concerning animals in respondent's possession or under respondent's control, or disposed of by respondent, and specifically failed to record all information required for a dog and a kitten housed in the primate buildings.

15. From October 13, 2004, through December 1, 2004, respondent failed to handle animals as expeditiously and carefully as possible in a manner that would not cause trauma, unnecessary discomfort, behavioral stress, or physical harm, and specifically exhibited a male tiger carelessly.

16. On October 13-14, 2004, respondent failed to handle animals during public exhibition so there was minimal risk of harm to the animals and to the public, with sufficient distance and/or barriers between the animals and the general viewing public so as to assure the safety of animals and the public, and specifically exhibited a binturong to the public without sufficient barrier or distance

between the animal and the public to prevent the public from contacting the animal.

17. Respondent failed to meet the minimum facilities and operating standards and animal health and husbandry standards for nonhuman primates (9 C.F.R. §§ 3.75-3.85), as follows:

a. October 13-14, 2004. Respondent failed to maintain housing facilities structurally sound and in good repair to protect the animals housed therein from injury and to contain them, and specifically, failed to repair the torn, damaged edges of the outdoor pen housing three lemurs

b. October 13-14, 2004. Respondent failed to light indoor housing facilities so as to permit routine inspection and cleaning, and specifically, there was no lighting illuminating the right side of the baboon enclosure, which precluded the inspectors from seeing the animals contained therein.

c. October 13-14, 2004. Respondent failed to enclose outdoor housing facilities for lemurs and a howler monkey by a six-foot high fence, or approved equivalent.

d. October 13-14, 2004. Respondent failed to construct an adequate barrier between their fixed public exhibit for lemurs (left side) and the public that restricts physical contact between the animals and the public.

e. October 13-14, 2004. Respondent failed to construct any barrier between their fixed public exhibit for lemurs (right side) and the public that restricts physical contact between the animals and the public.

f. October 13-14, 2004; November 30, 2004; December 1, 2004. Respondent failed to develop, document, and follow an appropriate plan for environmental enhancement adequate to promote the psychological well-being of nonhuman primates, and specifically,

respondent proffered a written document to APHIS inspectors that respondent represented was respondent's "plan" that had been reviewed and approved by respondent's attending veterinarian, but said document was vague and incomplete and had in fact been neither reviewed nor approved by a veterinarian.

g. October 13-14, 2004; November 30, 2004; December 1, 2004. Respondent failed to develop, document, and follow an appropriate plan for environmental enhancement adequate to promote the psychological well-being of nonhuman primates, and that addresses the social needs of nonhuman primates of species known to exist in social groups in nature, and specifically, there was no evidence of any program to address the needs of a singly-housed lemur, a singly-housed howler monkey, and a singly-housed male vervet.

h. October 13-14, 2004; November 30, 2004; December 1, 2004. Respondent failed to develop, document, and follow an appropriate plan for environmental enhancement adequate to promote the psychological well-being of nonhuman primates, and to enrich the animals' physical environment with means of expressing noninjurious species-typical activities, and specifically, there was no evidence of any program to address the needs of lemurs, a male vervet, and two baboons.

i. October 13-14, 2004. Respondent failed to remove excreta from inside primary enclosures daily, and specifically, failed to remove accumulated excreta from inside enclosure housing two brown lemurs.

j. October 13-14, 2004. Respondent failed to have enough employees to carry out the required husbandry practices and care, and specifically, there were insufficient employees to clean animal areas adequately.

18. Respondent failed to meet the minimum facilities and operating standards and animal health and husbandry standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals, as follows:

a. October 13-14, 2004; November 30; December 1, 2004. Respondent failed to maintain housing facilities structurally sound and in good repair to protect the animals housed therein from injury and to contain them, and specifically, failed to repair the wooden den box in the enclosure housing a liger and a tiger, and the wooden den box in the enclosure housing two wolves.

b. October 13-14, 2004. Respondent failed to maintain housing facilities structurally sound and in good repair to protect the animals housed therein from injury and to contain them, and specifically, failed to repair the resting platform in the enclosure housing the large tiger, the wooden den box in the enclosure (near the bears) housing leopards, the wooden resting area in the enclosure housing two Persian leopards, and the enclosure housing spotted leopards, which had protruding wire with sharp points.

c. November 30-December 1, 2004. Respondent failed to maintain housing facilities structurally sound and in good repair to protect the animals housed therein from injury and to contain them, and specifically, failed to repair the den box in an enclosure housing a tiger named Rambo, which had protruding wire with sharp points, and the den box in an enclosure housing a fox.

d. November 30-December 1, 2004. Respondent failed to provide for the removal and disposal of animal and food wastes from the enclosure housing a tiger (Rambo), which contained old bones and accumulated feces.

e. October 13-14, 2004. Respondent failed to provide a suitable method to rapidly eliminate excess water, and specifically, failed to eliminate standing water in the tiger enclosure.

f. October 13-14, 2004; November 30-December 1, 2004. Respondent failed to construct an adequate (8 foot high) perimeter fence around the white tiger enclosure, the enclosure housing three tigers, the enclosure housing one sloth bear, the enclosure housing one Asian bear, and the enclosure housing two lions, to protect the animals in the facility by restricting animals and unauthorized persons from entering.

g. October 13-14, 2004. Respondent failed to construct an adequate (8 foot high) perimeter fence around the enclosures housing leopards, a cougar, two black bears, and two wolves so that it protects the animals in the facility by restricting animals and unauthorized persons from entering.

h. November 30-December 1, 2004. Respondent failed to construct an adequate (8 foot high) perimeter fence around the enclosure housing six wolves to protect the animals in the facility by restricting animals and unauthorized persons from entering.

i. November 30-December 1, 2004. Respondent failed to construct an adequate (6 foot high) perimeter fence around the enclosures housing dingoes, bobcats, a fox, a hyena, and raccoons to protect the animals in the facility by restricting animals and unauthorized persons from entering.

j. October 13-14, 2004; November 30-December 1, 2004. Respondent failed to provide wholesome, palatable and uncontaminated food of sufficient quantity and nutritive value to maintain all animals in good repair, and specifically, failed to feed large felids and

small canids a balanced diet, and instead fed these animals a diet comprised mainly of chicken without any supplemental vitamins or minerals.

k. November 30-December 1, 2004. Respondent failed to remove excreta from the primary enclosure of a tiger (Rambo) as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and reduce odors.

#### Conclusions of Law

1. From October 13, 2004, through December 12, 2004, respondent failed to have a veterinarian provide adequate veterinary care to a male tiger with a necrotic, ulcerative growth approximately the size of a grapefruit, encircling his tail near the base of the tail, with a three-to-four inch major necrotic center, as well as smaller abrasions and fistulas; and a male tiger with (1) a half-dollar size abrasion on the right side of its back, (2) a hydroma on its right elbow, (3) a grey growth on its left foreleg, and (4) a grey growth on its felt rear lateral foot, in willful violation of section 2.40(a) of the Regulations (9 C.F.R. § 2.40(a)).

2. From October 13, 2004, through December 1, 2004, respondent failed to have a veterinarian provide adequate veterinary care to a llama with overgrown rear hooves which caused the animal's digits to deviate medially, caused the llama to walk abnormally, and caused the llama to experience discomfort, in willful violation of section 2.40(a) of the Regulations (9 C.F.R. § 2.40(a)).

3. From August 27, 2004, through December 1, 2004, respondent failed to have a veterinarian provide adequate veterinary care to animals, specifically, to provide vaccinations to, and deworm bears, felids, primates, and a capybara, to test primates for tuberculosis, and to test for, or establish a program to prevent *dirofilaria immitis* in foxes and wolves, in willful violation of section

2.40(a) of the Regulations (9 C.F.R. § 2.40(a)).

4. From August 27, 2004, through December 1, 2004, respondent failed to employ a full-time attending veterinarian or a part-time attending veterinarian under formal arrangements that include a written program of veterinary care and regularly scheduled visits to the facility, in willful violation of section 2.40(a)(1) of the Regulations (9 C.F.R. § 2.40(a)(1)).

5. From October 13, 2004, through December 1, 2004, respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate facilities, including adequate enclosures, secure perimeter fences, and facilities to allow animals to be shifted during cleaning and for other purposes, in willful violation of section 2.40(b)(1) of the Regulations. 9 C.F.R. § 2.40(b)(1).

6. From October 13, 2004, through December 1, 2004, respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate personnel, including an attending veterinarian, or on-site personnel capable of discerning when an animal is in need of veterinary care, in willful violation of section 2.40(b)(1) of the Regulations (9 C.F.R. § 2.40(b)(1)).

7. From October 13, 2004, through December 1, 2004, respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate services, including the services of a veterinarian, and specifically, misrepresented to APHIS officials that she had an attending veterinarian, and provided APHIS inspectors with a false document, dated August 26, 2004, which respondent claimed was evidence of employment of an attending veterinarian, in willful violation of section 2.40(b)(1) of the Regulations (9 C.F.R. § 2.40(b)(1)).

8. From October 13, 2004, through December 1, 2004, respondent failed to establish and

maintain a program of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care, and specifically, (1) failed to retain the services of an attending or any other veterinarian to care for the animals in her custody; (2) failed to keep any medical records of the condition of the animals in her custody; (3) failed to vaccinate any animals; (4) failed to deworm any animals; (5) failed to test foxes and wolves for *dirofilaria immitis*, or to administer preventive medication to them; (6) and failed to treat animals, specifically a male tiger, for injuries, in willful violation of section 2.40(b)(2) of the Regulations (9 C.F.R. § 2.40(b)(2)).

9. From October 13, 2004, through December 1, 2004, respondent failed to establish and maintain a program of adequate veterinary care that included daily observation of all animals to assess their health and well-being, and a mechanism of direct and frequent communication to convey timely and accurate information about problems of animal health behavior and well-being to respondent's attending veterinarian, in willful violation of section 2.40(b)(3) of the Regulations (9 C.F.R. § 2.40(b)(3)).

10. From August 27, 2004, through December 1, 2004, respondent failed to establish and maintain a program of adequate veterinary care that included adequate guidance to personnel involved in the care and use of animals regarding handling and euthanasia, in willful violation of section 2.40(b)(4) of the Regulations (9 C.F.R. § 2.40(b)(4)).

11. On November 30 and December 1, 2004, respondent failed to identify all live dogs and cats under her control or on her premises by any authorized means, and specifically failed to identify a dog and kitten housed in the primate building, in willful violation of section 2.50(c) of the Regulations (9 C.F.R. § 2.50(c)).

12. On October 13-14, 2004, respondent failed to make, keep, and maintain records that fully and correctly disclose information concerning animals in respondent's possession or under respondent's control, or disposed of by respondent, and specifically failed to identify the species of three animals that respondent transferred, in willful violation of section 2.75(b)(1)(vi) of the Regulations. 9 C.F.R. § 2.75(b)(1)(vi).

13. On October 13-14, 2004, respondent failed to make, keep, and maintain records that fully and correctly disclose information concerning animals in respondent's possession or under respondent's control, or disposed of by respondent, and specifically failed to record all information required for four primates that respondent sold, in willful violation of section 2.75(b)(1) of the Regulations, 9 C.F.R. § 2.75(b)(1)).

14. On November 30 and December 1, 2004, respondent failed to make, keep, and maintain records that fully and correctly disclose information concerning animals in respondent's possession or under respondent's control, or disposed of by respondent, and specifically failed to record all information required for a dog and a kitten housed in respondent's primate buildings, in willful violation of section 2.75(a)(1) of the Regulations, 9 C.F.R. § 2.75(a)(1)).

15. From October 13, 2004, through December 1, 2004, respondent failed to handle animals as expeditiously and carefully as possible in a manner that would not cause trauma, unnecessary discomfort, behavioral stress, or physical harm, and specifically exhibited a male tiger carelessly, in willful violation of the handling regulations. 9 C.F.R. § 2.131(b)(1).

16. On October 13-14, 2004, respondent failed to handle animals during public exhibition so there was minimal risk of harm to the animals and to the public, with sufficient distance and/or barriers between the animals and the general viewing public so as to assure the safety of animals and

the public, in willful violation of the handling regulations, and specifically exhibited a binturong to the public without sufficient barrier or distance between the animal and the public to prevent the public from contacting the animal. 9 C.F.R. § 2.131(c)(1).

17. Respondent willfully violated section 2.100(a) of the Regulations by failing to meet the minimum facilities and operating standards and animal health and husbandry standards for nonhuman primates (9 C.F.R. §§ 3.75-3.85), as follows:

a. October 13-14, 2004. Respondent failed to maintain housing facilities structurally sound and in good repair to protect the animals housed therein from injury and to contain them, and specifically, failed to repair the torn, damaged edges of the outdoor pen housing three lemurs. 9 C.F.R. § 3.75(a).

b. October 13-14, 2004. Respondent failed to light indoor housing facilities so as to permit routine inspection and cleaning, and specifically, there was no lighting illuminating the right side of the baboon enclosure, which precluded the inspectors from seeing the animals contained therein. 9 C.F.R. § 3.76(c).

c. October 13-14, 2004. Respondent failed to enclose outdoor housing facilities for lemurs and a howler monkey by a six-foot high fence, or approved equivalent. 9 C.F.R. § 3.78(d).

d. October 13-14, 2004. Respondent failed to construct an adequate barrier between the fixed public exhibit for lemurs (left side) and the public that restricts physical contact between the animals and the public. 9 C.F.R. § 3.78(e).

e. October 13-14, 2004. Respondent failed to construct any barrier between the fixed public exhibit for lemurs (right side) and the public that restricts physical contact

between the animals and the public. 9 C.F.R. § 3.78(e).

f. October 13-14, 2004; November 30, 2004; December 1, 2004. Respondent failed to develop, document, and follow an appropriate plan for environmental enhancement adequate to promote the psychological well-being of nonhuman primates, and specifically, proffered a written document to APHIS inspectors that respondent represented was respondent's "plan" that had been reviewed and approved by respondent's attending veterinarian, but said document was vague and incomplete and had in fact been neither reviewed nor approved by a veterinarian. 9 C.F.R. § 3.81.

g. October 13-14, 2004; November 30, 2004; December 1, 2004. Respondent failed to develop, document, and follow an appropriate plan for environmental enhancement adequate to promote the psychological well-being of nonhuman primates, and that addresses the social needs of nonhuman primates of species known to exist in social groups in nature, and specifically, there was no evidence of any program to address the needs of a singly-housed lemur, a singly-housed howler monkey, a singly-housed male vervet. 9 C.F.R. § 3.81(a).

h. October 13-14, 2004; November 30, 2004; December 1, 2004. Respondent failed to develop, document, and follow an appropriate plan for environmental enhancement adequate to promote the psychological well-being of nonhuman primates, and to enrich the animals' physical environment with means of expressing noninjurious species-typical activities, and specifically, there was no evidence of any program to address the needs of lemurs, a male vervet, and two baboons. 9 C.F.R. § 3.81(b).

i. October 13-14, 2004. Respondent failed to remove excreta from inside

primary enclosures daily, and specifically, failed to remove accumulated excreta from inside enclosure housing two brown lemurs. 9 C.F.R. § 3.84(a).

j. October 13-14, 2004. Respondent failed to have enough employees to carry out the required husbandry practices and care, and specifically, there were insufficient employees to clean animal areas adequately. 9 C.F.R. § 3.85.

18. Respondent Carolyn D. Atchison willfully violated section 2.100(a) of the Regulations by failing to meet the minimum facilities and operating standards and animal health and husbandry standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals (9 C.F.R. §§ 3.125-3.133), as follows:

a. October 13-14, 2004; November 30; December 1, 2004. Respondent failed to maintain housing facilities structurally sound and in good repair to protect the animals housed therein from injury and to contain them, and specifically, failed to repair the wooden den box in the enclosure housing a liger and a tiger, and the wooden den box in the enclosure housing two wolves. 9 C.F.R. § 3.125(a).

b. October 13-14, 2004. Respondent failed to maintain housing facilities structurally sound and in good repair to protect the animals housed therein from injury and to contain them, and specifically, failed to repair the resting platform in the enclosure housing the large tiger, the wooden den box in the enclosure (near the bears) housing leopards, the wooden resting area in the enclosure housing two Persian leopards, and the enclosure housing spotted leopards, which had protruding wire with sharp points. 9 C.F.R. § 3.125(a).

c. November 30-December 1, 2004. Respondent failed to maintain housing

facilities structurally sound and in good repair to protect the animals housed therein from injury and to contain them, and specifically, failed to repair the den box in an enclosure housing a tiger named Rambo, which had protruding wire with sharp points, and the den box in an enclosure housing a fox. 9 C.F.R. § 3.125(a).

d. November 30-December 1, 2004. Respondent failed to provide for the removal and disposal of animal and food wastes from the enclosure housing a tiger (Rambo), which contained old bones and accumulated feces. 9 C.F.R. § 3.125(d).

c. October 13-14, 2004. Respondent failed to provide a suitable method to rapidly eliminate excess water, and specifically, failed to eliminate standing water in the tiger enclosure. 9 C.F.R. § 3.127(c).

f. October 13-14, 2004; November 30-December 1, 2004. Respondent failed to construct an adequate (8 foot high) perimeter fence around the enclosures housing white tigers, three tigers, one sloth bear, two lions, and one Asian bear, to protect the animals in the facility by restricting animals and unauthorized persons from entering. 9 C.F.R. § 3.127(d).

g. October 13-14, 2004. Respondent failed to construct an adequate (8 foot high) perimeter fence around the enclosures housing leopards, two wolves, and two black bears to protect the animals in the facility by restricting animals and unauthorized persons from entering. 9 C.F.R. § 3.127(d).

h. November 30-December 1, 2004. Respondent failed to construct an adequate (8 foot high) perimeter fence around the enclosures housing six wolves and one cougar so that it protects the animals in the facility by restricting animals and unauthorized persons

from entering. 9 C.F.R. § 3.127(d).

i. November 30-December 1, 2004. Respondent failed to construct an adequate (6 foot high) perimeter fence around the enclosures housing a fox, dingos, a hyena, bobcats, raccoons so that it protects the animals in the facility by restricting animals and unauthorized persons from entering. 9 C.F.R. § 3.127(d).

j. October 13-14, 2004; November 30-December 1, 2004. Respondent failed to provide wholesome, palatable and uncontaminated food of sufficient quantity and nutritive value to maintain all animals in good repair, and specifically, failed to feed large felids and small canids a balanced diet, and instead fed these animals a diet comprised mainly of chicken without any supplemental vitamins or minerals. 9 C.F.R. § 3.129(a).

k. November 30-December 1, 2004. Respondent failed to remove excreta from the primary enclosure of a tiger (Rambo) as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and reduce odors. 9 C.F.R. § 3.131(a).

19. Respondent Carolyn D. Atchison has admitted the above facts, the parties have agreed to the entry of this decision, and therefore such decision will be entered.

#### Order

1. Respondent Carolyn D. Atchison, her agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the Regulations and Standards.

2. Respondent Carolyn D. Atchison is permanently disqualified from licensure under Animal Welfare Act, in her own name or in any other manner. For the purposes of this consent

decision and order, the two-year period of time between May 10, 2006, and May 9, 2008, shall be referred to as the “probation period.” Respondent Carolyn D. Atchison agrees that during the probation period, she will not engage in any activity for which such a license under the Act is required, directly or through any agent, employee, or other device. Respondent Carolyn D. Atchison further agrees that if during the probation period APHIS notifies her that it has documented a failure to comply with section 2.1 of the Regulations (9 C.F.R. § 2.1), upon receipt of such notice and supporting documentation, said respondent shall be assessed a civil penalty of \$10,000, without further procedure, and due and payable within 60 days of said respondent’s receipt of such notice. Respondent Carolyn D. Atchison further agrees to a prospective waiver of her right to notice and opportunity for an oral hearing pursuant to section 19 of the Act (7 U.S.C. § 2149) as to any such failure to comply with said Regulation described in this paragraph, and the parties agree that respondent Carolyn D. Atchison may seek further review or injunctive, declaratory or other appropriate relief in the district court in the district where she resides or has her principal place of business, pursuant to section 2146(c) of the Act (7 U.S.C. § 2146(c)), within 60 days of receipt of such notice.

3. Respondent Carolyn D. Atchison is assessed a civil penalty of \$3,500, to be paid in full within 90 days of the effective date of this order, by certified check(s) or money order(s) made payable to the Treasurer of the United States, and sent to:

Colleen A. Carroll  
Office of the General Counsel  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Mail Stop 1417 South Building  
Washington, D.C. 20250-1417

Such payment may be made in installments.

This order shall become effective on the first day after service on respondent Carolyn D.

Atchison. Copies of this decision shall be served upon the parties.

[REDACTED]  
[REDACTED]  
[REDACTED]  
Carolyn D. Atchison  
Respondent

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
Colleen A. Carroll  
Attorney for Complainant

Done at Washington, D.C.  
this 22<sup>nd</sup> day of May, 2006

[REDACTED]  
[REDACTED]  
Peter M. Davenport  
Administrative Law Judge